Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

30 November 2017

English only

2017 Meeting
Geneva, 4-8 December 2017
Item 6 of the provisional agenda
Issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process

The mantra of confidence building: proposal for the 2018-2020 Intersessional Process

Submitted by Germany, co-sponsored by Japan and the United States of America

I. Introduction

1. Over the years, States Parties from all regional groups have repeatedly emphasised the importance of the exchange of information among States Parties through the Confidence-Building Measures (CBMs), as agreed at the Second and Third Review Conferences and updated at the Seventh Review Conference. The value of the exchange of information carried out under these measures — namely to enhance transparency and build confidence — is a mantra of the Final Documents of Review Conferences.

2. The Seventh and Eighth Review Conferences noted the desirability of making the CBMs more user-friendly and stressed the need to ensure that they provide relevant and appropriate information.

3. The Sixth Review Conference tasked the Implementation Support Unit (ISU) with developing an electronic format for CBM forms. The Seventh and Eighth Review Conferences, *mutatis mutandis*, authorised the ISU to continue relevant activities.

II. Proposal for the 2018–2020 Intersessional Process

4. The Seventh Review Conference decided to pay special attention to the CBMs in the Meetings of Experts and Meetings of States Parties in 2012 and 2013. The outcome of the discussions at these meetings was neither addressed nor considered in depth at the Eighth Review Conference. Just as little note was taken of CBM working papers submitted to the Preparatory Committee of the Eighth Review Conference and to the Eighth Review Conference.

5. The 2017 Meeting of States Parties was given a mandate by the Eighth Review Conference to seek progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process.

6. The CBMs are the only substantive commitment agreed by all States Parties to the Convention to enable the building of confidence through transparency. Maintaining and

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improving the value of the CBMs' trust-building capacities requires an in-depth discussion on existing and new CBM forms during the 2018–2020 Intersessional Process. In addition, future steps with regard to submitting the CBMs electronically, which may be the best way to increase participation in the annual exchange of CBMs, are to be discussed.

7. The importance and further development of CBMs should be discussed during the 2018–2020 Intersessional Process, preferably as a standing agenda item in a working group on national implementation. This discussion needs to take into account the numerous working papers submitted to the Preparatory Committee and the Eighth Review Conference, notably:

- **BWC/CONF.VIII/PC/WP.6/Rev.1** — Strengthening confidence building and consultative mechanisms under the Biological Weapons Convention. Submitted by the United States of America.
- **BWC/CONF.VIII/PC/WP.35** — Strengthening confidence-building measures in regard to dual use materials. Submitted by Germany.
- **BWC/CONF.VIII/PC/WP.36** — Step-by-step approach in CBM participation (2016). Submitted by Australia, Canada, Japan, Malaysia, the Republic of Korea, and Switzerland.
- **BWC/CONF.VIII/WP.9** — Proposal to enhance the format of confidence-building measures under the Biological Weapons Convention. Submitted by the Russian Federation.

In addition, any other new ideas that may help to increase confidence in compliance and facilitate the annual submission of CBM reports should be included in the discussions.

8. Finally, the Ninth Review Conference in 2021 should take decisions on proposed new and improved existing CBM forms based on the outcome of the discussions during the Intersessional Process.

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Elements of a possible intersessional process

Submitted by the Russian Federation, United Kingdom of Great Britain and Northern Ireland, and United States of America

I. Tasks of the 2017 MSP

1. The Eighth Review Conference decided that "States Parties will hold annual meetings" during the period from 2017-2020, and that the 2017 annual meeting "will seek to make progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process" (emphasis added). Annual meetings throughout the intersessional period will consider the annual reports of the ISU and progress on universality, but only the 2017 meeting has a mandate to establish a new intersessional work programme. The States Parties' meeting this December is therefore the only chance to find a way to make substantive progress until the next Review Conference. To assist States Parties, this paper contains illustrative language that could form the basis of an intersessional process.

II. Basis for Work

2. While all proposals must be considered, it would be advantageous to make full use of the extensive work done on this issue during the Review Conference by drawing on the *President's Proposal* of 28 November 2016 (BWC/CONF.VIII/CRP.3), taking into account the various concerns and suggestions for improvement offered during consultations on this proposal. While a number of States Parties believed that this proposal could be enhanced, consensus was emerging on the idea of four Open-Ended Working Groups (OEWGs), their general focus, and devoting up to 15 days a year for formal BTWC work prior to the Ninth Review Conference.

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III. Key Elements of a Possible Intersessional Process (ISP)

A. Annual Meetings of States Parties

3. In addition to considering the annual reports of the ISU and progress on universality, the annual meetings would:

- Oversee implementation of the decisions of the Eighth Review Conference (e.g., cooperation and assistance database, sponsorship program);
- Manage the intersessional program, including by considering the reports and possible recommendations of OEWGs and providing guidance for follow-up work consistent with the OEWG mandates;
- As appropriate, submit recommendations to the next Review Conference; and
- Take necessary actions to address budgetary and financial matters with a view to ensuring the viability of the ISP and the decisions of the Eighth Review Conference.

4. Possible MSP report language concerning future MSP meetings in a new ISP might read as follows: The MSP is responsible for the management of the intersessional programme, including taking necessary actions with respect to budgetary and financial matters with a view to ensuring the viability of the intersessional programme and the decisions of the Eighth Review Conference. The MSP will consider the reports and possible recommendations of the OEWGs and provide guidance for follow-up work in accordance with the groups' mandates.

B. Open-ended Working Groups

5. As proposed by Review Conference President Molnár, four OEWGs would be established on the following topics: Science and Technology; National Implementation; International Cooperation; and Preparedness, Response and Assistance. OEWGs would prepare factual reports, including possible recommendations, for consideration by States Parties at the annual meeting; in the absence of consensus on recommendations, all views would be reflected.

IV. Possible MSP Report language concerning such OEWGs might read as follows

A. Science and Technology

- Potential benefits and risks of new science and technology developments;
- Biological risk assessment and management;
- Voluntary model code of conduct for biological scientists and all relevant personnel, and biosecurity education, by drawing on the work already done on this issue in the context of the Convention, adaptable to national requirements;
- Science and technology-related developments relevant to the Convention and to the activities of multilateral organizations;
- Any other science and technology developments of relevance to the Convention; and
- In 2018, the OEWG will address the specific topic of gene editing, taking into consideration, as appropriate, the issues identified above.

B. National Implementation

- Legal measures related to biological and toxin weapons, including measures aimed at combating the use of biological and toxin weapons by terrorists, and all other actors;
- Improvement of CBM submissions in terms of quantity, quality and format;
- Ways to promote confidence building under the Convention, as well as exchange of good practices and inform.ation, capacity building and furthering international cooperation;
- International cooperation and assistance in the implementation of the Convention; and
- Issues related to Article III, including effective export controls.

In addition, the OEWG will devote at least one session for the discussion of the full range of approaches to strengthen the Convention and improve its implementation, including various past, existing and future proposals.

C. International Cooperation

- The reports of the States Parties on their full implementation of Article X;
- Reports by the ISU on the operation of the assistance and cooperation database established by the Seventh Review Conference and renewed by the Eighth Review Conference and consideration of its further operationalization;
- Identification of challenges to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these;
- Development of guidelines and procedures for mobilising resources, including financial resources to address gaps and needs;
- Facilitation of education, training, exchange and twinning programmes and other means of developing human resources in biological sciences and technology related to implementation of the Convention;
- Promotion of capacity building, through international cooperation, in biosafety and biosecurity and for detecting, reporting and responding to outbreaks of infectious disease or biological weapons attacks, including in the areas of preparedness, response, and crisis management and mitigation; and
- Interaction with international organisations and networks related to combating infectious diseases at all levels, as well as regional and sub-regional cooperation to assist national implementation of the Convention, including CBRN action plans.

D. Preparedness, Response and Assistance

- Practical challenges facing the implementation of Article VII, and possible solutions;
- A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII;
- Procedures, including the establishment and use of the assistance database, to improve the prompt and efficient response to a request of assistance by a State Party under Article VII, and coordination and cooperation among States Parties and with relevant international and regional organizations, as appropriate;

- Examination of how the proposed mobile biomedical units concept might contribute to effective preparation, response and assistance with a view to enhancing implementation of the Convention; and
- Exploration of approaches by which States Parties, individually or collectively, might contribute to the strengthening of international response capabilities for infectious disease outbreaks, whether natural or deliberate in origin.

V. Officers

6. The Chairman of the annual meeting would be supported by two Vice-Chairmen, as decided by the Eighth Review Conference, the Chairmen of the four OEWGs, and the head of the Implementation Support Unit in preparing and conducting the annual programme of work. Selection of officers would take into account the need to balance representation among the three regional groups.

VI. Meeting Time

7. Up to fifteen days per year would be allocated to meetings of the OEWGs and the annual meeting of States Parties. Equal time would be allocated to each of the OEWGs over the intersessional period.

8. Possible MSP Report text on allocation of meeting times and chairs might read as follows:

The four OEWGs and one MSP would each meet for up to three days annually. Responsibility for nominating the Chairs of these groups would be shared among the regional groups.

YEAR	*MSP*	*OEWGs*
2018	EEG	A – WG; B – EEG; C – NAM; D – NAM
2019	WG	A – WG; B – EEG; C – NAM; D – NAM
2020	NAM	A – WG; B – EEG; C – NAM; D – NAM